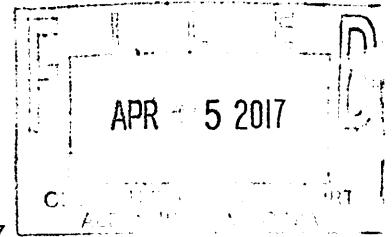


UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 1:17-sw-177

ZIA ZAFAR (DOB: XX/XX/1985), detained at the
Alexandria Detention Center, 2001 Mill Road,
Alexandria, VA 22314

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

ZIA ZAFAR (DOB: XX/XX/1985), detained at the Alexandria Detention Center, 2001 Mill Road, Alexandria, VA 22314.
located in the Eastern District of Virginia, there is now concealed (identify the person or describe the property to be seized):

Saliva samples by means of buccal swab; hair samples; and full fingerprint samples.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 1116(a);
18 U.S.C. § 924(c)

Offense Description
Attempted murder of an internationally protected person outside the United States;
Using, carrying, brandishing, and discharging a firearm during and in relation to a
crime of violence.

The application is based on these facts:

See Attached Affidavit (incorporated by reference).

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA/SAUSA:

William M. Sloan

Applicant's signature

Fernando Motta, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 04/05/2017

City and state: Alexandria, Virginia

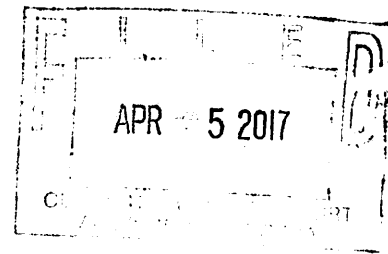
/s/ John F. Anderson
United States Magistrate Judge

Honorable John F. Anderson, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



IN THE MATTER OF THE SEARCH OF) Case No. 1:17-sw-177
ZIA ZAFAR (DOB: XX/XX/1985),)
DETAINED AT THE ALEXANDRIA)
DETENTION CENTER, 2001 MILL ROAD,)
ALEXANDRIA, VA 22314)

**AFFIDAVIT IN SUPPORT OF APPLICATION UNDER RULE 41
FOR A WARRANT TO SEARCH AND SEIZE**

I, Fernando Motta, Special Agent of the Federal Bureau of Investigation (FBI), being duly sworn, depose and state the following:

INTRODUCTION

1. I am employed as a Special Agent with the Federal Bureau of Investigation (FBI), and I am assigned to the Extraterritorial Squad, Miami Field Office. I have been employed as a Special Agent since 2005 and have investigated violent crimes since 2015, to include international kidnappings, homicides, fugitive matters, and other crimes of violence. My duties include conducting criminal investigations into international violent crimes against United States citizens abroad, to include violent crimes involving United States government personnel stationed at diplomatic and consular missions abroad. I have received training in conducting criminal investigations from the FBI and specialized training regarding violent crime investigations from a variety of federal and state law enforcement agencies.

2. I present this affidavit in support of an application for a search warrant to obtain the known buccal swab and saliva, hair, and full fingerprint samples from ZIA ZAFAR (DOB: XX/XX/1985), an inmate currently detained at the Alexandria Detention Center, 2001 Mill Road, Alexandria, Virginia 22314, for the purpose of conducting DNA, hair, and fingerprint comparison

analysis, as evidence of his participation in the attempted murder of an internationally protected person outside the United States, in violation of Title 18, United States Code, Section 1116(a), and of his using, carrying, brandishing, and discharging a firearm during and in relation to a crime of violence, in violation of Title 18, United States Code, Section 924(c).

3. I have not included every fact I know about ZIA ZAFAR and his illegal activities in this affidavit; rather, I have included those facts I believe are necessary to demonstrate probable cause for the warrant I seek. The information in this affidavit is based on my personal knowledge and observations, on information conveyed to me by other law enforcement officials, and on my review of records, documents, and other physical evidence relevant to their activities.

PROBABLE CAUSE

4. On January 6, 2017, Christopher Ashcraft, the victim, was employed with the U.S. Department of State as a Vice Consul in the Consular office in Guadalajara, Jalisco, Mexico. As Vice Consul, Ashcraft was recognized by the Government of Mexico as a diplomat and was granted diplomatic immunity in the course of his official duties.

5. In an official diplomatic note (#1143), dated April 12, 2016, the U.S Embassy in Mexico City notified the Mexican Secretary of Foreign Affairs that Ashcraft was named as a Vice Consul for U.S. Consulate Guadalajara. On April 26, 2016, the Mexican Ministry of Foreign Affairs responded with a diplomatic note (#5366) conferring diplomatic status on Ashcraft, with an expiration date of April 26, 2020.

6. Accordingly, on January 6, 2017, Ashcraft was an Internationally Protected Person outside the United States who was a representative, officer, employee, and agent of the United States, pursuant to Title 18, United States Code, Sections 1116(b)(4)(B) and (c)(1).

7. On or about January 6, 2017, Ashcraft visited a gym adjacent to a shopping center located at Avenida Ignacio Luis Vallarte #3298, Guadalajara, Jalisco, Mexico. At approximately 6:19 p.m., an individual later identified as ZIA ZAFAR shot Ashcraft with a pistol as Ashcraft was leaving the gym parking lot in his personal vehicle. The round struck Ashcraft in the chest. Ashcraft was taken to a local hospital for medical treatment.

8. Special Agents with the FBI interviewed Ashcraft at the hospital in Mexico. During the interview, Ashcraft stated that when he exited the gym and walked to a parking payment terminal to pay for his parking, he noticed the individual later identified as ZAFAR sitting in the vicinity of the payment terminal. Ashcraft noticed that ZAFAR was wearing blue scrubs, white shoes, and what appeared to be a wig, and based upon ZAFAR's behavior, Ashcraft felt as though ZAFAR was waiting for him. When Ashcraft finished paying for parking and walked towards his vehicle, he saw that ZAFAR was following him. Ashcraft felt threatened and walked to a populated area of the parking garage. Once ZAFAR was no longer following him, Ashcraft got into his vehicle and drove towards the garage exit. Ashcraft was shot once in the chest while exiting the garage in his vehicle.

9. Following the shooting, Mexican law enforcement obtained surveillance video from the shopping center and parking garage. The video shows a male (later identified as ZAFAR) wearing what appears to be a wig, sunglasses, blue scrubs, and white shoes. ZAFAR appears to be following Ashcraft as Ashcraft exits the gym and pays for his parking at approximately 6:16 p.m. The video then shows ZAFAR following Ashcraft for approximately three seconds. As Ashcraft walks to a different area of the garage, the video shows ZAFAR walking up an incoming vehicle ramp at 6:17 p.m. Approximately one minute later, ZAFAR is seen at the top of the exit vehicle ramp, pacing back and forth with his right hand in his pocket. At approximately 6:19 p.m.,

Ashcraft's vehicle pulls up to the garage exit. The video shows ZAFAR taking aim with a pistol and firing into the windshield. The video then shows ZAFAR fleeing the scene.

10. Mexican law enforcement also recovered one .380 caliber shell casing from the vicinity of the site of the shooting, as well as multiple cigarette butts from the vicinity of the parking payment terminal where Ashcraft first observed ZAFAR. In addition, Mexican law enforcement examined the victim's vehicle for fingerprints and recovered latent prints.

11. On or about January 7, 2017, Mexican law enforcement obtained surveillance video from a Starbucks coffee shop located at Avenida Ignacio Luis Vallarte #3070, Guadalajara, Jalisco, Mexico, which is located approximately one block away on the same street from the site of the shooting. The Starbucks video, dated January 6, 2017, shows an individual matching the description of the above-referenced shooter at the payment register inside the coffee shop. Mexican law enforcement also obtained a Starbucks receipt dated January 6, 2017, 5:19 p.m.—approximately one hour before the shooting—for a purchase totaling 58 Mexican Pesos, paid by credit card, and signed by the purchaser bearing the name Zafar/Zia.

12. A search of a Mexican Immigration database revealed that ZAFAR, who entered Mexico on a student visa, was born on XX/XX/1985, and holds a U.S. Passport. A search of Department of Motor Vehicles (DMV) records from California revealed that ZIA ZAFAR, born on XX/XX/1985, holds a California driver's license. The records obtained from the California DMV include a signature that bears remarkable similarity to the signature on the aforementioned Starbucks receipt.

13. Mexican Immigration records revealed that ZAFAR reported his local residence in Mexico as Calle Alcamo #XXXX, Prados Providencia in Guadalajara, Mexico. Mexican law enforcement conducted surveillance at the residence on January 7, 2017, at approximately 8:14

p.m., and noted the presence of a Honda Civic bearing California license plate number 4RZH452.

A subsequent check of California DMV records revealed the car was registered to ZAFAR.

14. Mexican law enforcement subsequently detained ZAFAR inside the above-listed residence. During a search of the residence, Mexican law enforcement recovered a .380 caliber pistol and several forms of identification bearing the name ZIA ZAFAR.

15. Mexican law enforcement also searched the above-listed Honda Civic parked outside the residence and recovered a pair of sunglasses and a wig similar to the ones seen in the above-described surveillance videos.

16. On January 9, 2017, the Honorable John F. Anderson, United States Magistrate Judge, United States District Court for the Eastern District of Virginia, issued a criminal complaint in the case *United States v. Zia Zafar* (1:17-mj-11), charging ZAFAR with attempted murder of an internationally protected person outside the United States, in violation of Title 18, United States Code, Section 1116(a).

17. ZAFAR was arrested and first brought to the Eastern District of Virginia on January 9, 2017, and made his initial appearance before the Honorable John F. Anderson on January 10, 2017.

18. On January 13, 2017, the Honorable John F. Anderson found the offense charged in the complaint was supported by probable cause and ordered ZAFAR detained pending further action by the grand jury.

19. On March 16, 2017, a federal grand jury in the Eastern District of Virginia returned an indictment charging ZAFAR with attempted murder of an internationally protected person outside the United States, in violation of Title 18, United States Code, Section 1116(a) (Count

One), and using, carrying, brandishing, and discharging a firearm during and in relation to a crime of violence, in violation of Title 18, United States Code, Section 924(c) (Count Two).

20. On March 24, 2017, ZAFAR appeared before the Honorable Anthony J. Trenga for arraignment. The Court continued the matter for a status hearing on April 21, 2017. ZAFAR is currently detained at the Alexandria Detention Center, 2001 Mill Road, Alexandria, Virginia 22314, within the Eastern District of Virginia.

21. The United States has submitted an official request to the government of Mexico for foreign evidence relating to this case. The United States has received an initial response from the government of Mexico that includes certain physical evidence, including the seized pistol, shell casing, wig, sunglasses, cigarette butts, and latent fingerprints described above.

CONCLUSION

22. Based upon the facts set forth above, I believe that probable cause exists to believe that known buccal swab and saliva, hair, and full fingerprint samples taken from ZIA ZAFAR (DOB: XX/XX/1985), will provide evidence of his participation in the attempted murder of an internationally protected person outside the United States, in violation of Title 18, United States Code, Section 1116(a), and of his using, carrying, brandishing, and discharging a firearm during and in relation to a crime of violence, in violation of Title 18, United States Code, Section 924(c).

23. I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.



Fernando Motta
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to me this 5th day of April 2017.

 /s/ JTO
John F. Anderson
~~John F. Anderson~~
Hon. John F. Anderson
United States Magistrate Judge